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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,178	12/15/2000	Akihiko Uekusa	35.C6914 C2/REI	7715

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EXAMINER

GARCIA, GABRIEL I

ART UNIT PAPER NUMBER

2625

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,178

Applicant(s)

UEKUSA, AKIHIKO

Examiner

Gabriel I. Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40, 43, 46, 49, 50, 52, 55, 58, 61 and 64-73 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40, 43, 46, 49, 50, 52, 55, 58, 61 and 64-73 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 07/550,568.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Part III DETAILED ACTION

1. This Office action is in response to the amendment filed 11/10/03 and the communication filed on 1/30/04. Claims 1-40, 43, 46, 49, 50, 52, 55, 58, 61 and 64-73 are pending in this application.

2. In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

Claims 1-40, 43, 46, 49, 50, 52, 55, 58, 61 and 64-73 are rejected as being based upon a defective reissue Oath and declaration under 35 U.S.C. 251. See 37 CFR 1.175. The nature of the defect is set forth below.

Receipt of an appropriate supplemental oath/declaration under 37 CFR 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

1. The declaration is defective due to the non-specific error statement. The current declaration states that "claims 41-66 could have been presented for examination". First, reference to added claims for the error statement does not tell us what is in error with respect to the original Patent. We are left to guess what limitation in which claim the error lies. In accordance with MPEP §1414, applicants must specifically (if the reissue were filed to correct errors in the issued Patent) tell us where and what the error is, see MPEP §1414 reproduced in part herein. Second, referencing new claims in the declaration as the error is faulty as evidenced by the fact that several of those claims are no longer pending in the application and new claims have been

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added. Therefore, there is still a question as to specifically what the error is that applicant is claiming renders the original Patent either wholly or partly inoperative or invalid. If the error is in the claims, then applicant must specifically point out the error, i.e., identify by reference to the specific claim(s) and the specific claim language wherein the error lies....this may be a single word, phrase or expression that renders the original Patent either wholly or partly inoperative or invalid.

2. Substantive amendments have been made to the claims since the original declaration was filed. Therefore, a substitute declaration which indicates that all errors up until the filing of the substitute declaration, was without deceptive intent, would have been required. However, given that applicant must file a new declaration in accordance with item #1 above, then the need for a supplemental declaration should be moot.
3. The assent and 3.73(b) statements are insufficient because the statement does not indicate that the person signing is authorized to sign on behalf of the Applicant. The 3.73(b) states that the person signing is a representative of the assignee. However, this is insufficient to indicate if the signor had the authority pursuant to MPEP § 324 (reproduced in part herein) to act on behalf of the assignee. MPEP §324 sets forth the titles of individuals having a recognized authority to act on behalf of an assignee. Unless the assent/3.73(b) statement itself indicates that the person signing is authorized to act on behalf of assignee (which the current one does not), then the executor's title must correspond to that set forth in MPEP §324. In the instant case, the title of the person executing the assent & 3.73(b) statements, i.e., "Director" is not recognized as someone who would have the apparent authority or empowered to act on the behalf of the assignee. A new 3.73(b) and Assent statement will be required.

Conclusion

3. Claims 1-40,43,46,49,50,52,55,58,61 and 64-73 would be allowable if rejection under 35 U.S.C. 251 is overcome.

The prior art of record such as Hideki et al. (JP-62-221546) fails to teach, or suggest the claimed limitations of (in combination with all other features in the claims) an apparatus or method wherein an information processing apparatus transfers print data, wherein the first mode is a mode in which said apparatus controls an output style of the print data and the second is a mode in which the printer controls an output style of the print data, as recited by the independent claims.

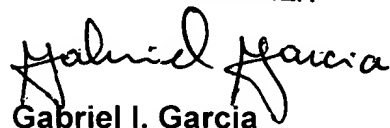
Any comments considered necessary by Applicant must be submitted no later than the payment of the Issue Fee, and to avoid processing delays, should preferably accompany the Issue Fee. such submissions should be clearly labeled "comments on statement of Reasons for Allowance".

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The Examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The fax phone number for this group is 571-273-8300.

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

**GABRIEL GARCIA
PRIMARY EXAMINER**



**Gabriel I. Garcia
Primary Examiner
August 10, 2006**